

ORDINANCE NO. 12-27

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 70 ENTITLED "RETIREMENT AND PENSIONS", ARTICLE IV. EMPLOYEES GENERAL RETIREMENT SYSTEM, DIVISION 4. MEMBERSHIP, OF THE CODE OF ORDINANCES, AND IN PARTICULAR, AMENDING HIALEAH CODE § 70-201 ENTITLED "COMPOSITION; EXCLUSIONS" TO EXCLUDE FROM THE EMPLOYEES GENERAL RETIREMENT SYSTEM ANY PERSON OTHER THAN A POLICE OFFICER OR FIREFIGHTER HIRED AS AN EMPLOYEE OF THE CITY ON OR AFTER APRIL 1, 2012; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Hialeah, Fla., Resolution 12-33 (Mar. 13, 2012), the City Council approved the ratified Collective Bargaining Agreement between the City and the Hialeah Civil Service Employees Association, AFSCME, Local 161 ("AFSCME Union") in which the bargaining unit members approved the elimination of the defined benefits retirement or pension plan for general employees hired on or after April 1, 2012; and

WHEREAS, the purpose and intent of this ordinance is to amend the Code to eliminate the defined benefits retirement or pension plan for general employees hired on or after April 1, 2012; and

WHEREAS, Buck Consultants prepared an actuarial impact statement and concluded that there is no actuarial impact with respect to the adoption of this ordinance; and

WHEREAS, the City presented this ordinance to the Board of Trustees of the Retirement System for its review.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 70 entitled "Retirement and Pensions", Article IV. Employees General Retirement System, Division 4. Membership, of the Code of Ordinances of the City of Hialeah, Florida, is hereby amended, by revising Hialeah Code § 70-201 entitled "Composition; exclusions" to read as follows:

Chapter 70

RETIREMENT AND PENSIONS

* * *

**ARTICLE IV. EMPLOYEES GENERAL RETIREMENT
SYSTEM**

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Sec. 70-201. Composition; exclusions.

(a) The membership of the retirement system shall consist of the following:

(1) All persons and employees of the city who were in the classified service of the city on the day preceding the effective date of January 1, 1956, of the retirement system and who continue in the classified service of the city on and after the effective date of the retirement system and all persons who became classified employees of the city on and after the effective date of January 1, 1956, of the retirement system, except as provided in this section.

(2) Effective retroactive to January 1, 1990:

a. All part-time employees working 22½ hours or more a week will be eligible to participate in the pension plan upon being continuously employed by the city for one year, at the part-time employee's option.

b. All full-time employees shall participate in the pension plan except as provided in this section.

c. All classified employees who prior to April 1, 1991 were not permitted to participate in the pension plan because of their age shall be given credit for each year of

classified service to include probationary service toward a vested or normal retirement to a maximum of ten years of membership credit service time. In order to receive this benefit an employee must join the system.

(3) Any employee as of October 1, 1992, who has reached his 55th birthday before entering into employment with the city may, at the employee's option, join the retirement system. All monies contributed by an employee to the annuity savings funds shall be returned to the employees if they do not attain permanent status.

(b) The membership of the retirement system shall not include the following:

- (1) Any person whose services are compensated for on a fee or contractual basis;
- (2) The medical committee;
- (3) Elected or appointed officials not in the classified service;
- (4) City attorney;
- (5) Assistant city attorneys;
- (6) Assistant city attorneys who are appointed and serve as a department or division head; or
- (7) Persons employed in a temporary or provisional status for less than nine months.

(8) Any person, other than a police officer or firefighter, hired as an employee of the city on or after April 1, 2012.

(c) In all cases of doubt, the board of trustees shall decide who shall be a member within the meaning of the provisions of the retirement system.

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Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered, as appropriate, to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is

withheld or if the City Council overrides the Mayor's veto. The provisions of this ordinance shall become effective retroactively to April 1, 2012.

PASSED AND ADOPTED this 22nd day of May, 2012.

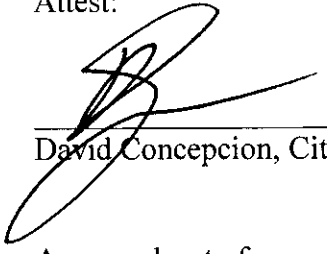
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



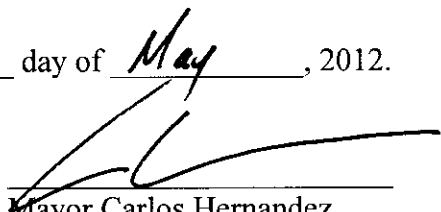
Isis Garcia Martinez
Council President

Attest:

Approved on this 24 day of May, 2012.




David Concepcion, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".

April 16, 2012

Ms. Vivian Parks
Director of Retirement Division
City of Hialeah
501 Palm Avenue
Hialeah, Florida 33010

**Actuarial Impact Statement: City of Hialeah Employees' Retirement System –
Amendment to Code Sections 70-201, 70-260, and 70-261**

Dear Vivian:

We have reviewed the amendments to the Retirement Code Sections 70-201, 70-260, 70-261 and the repeal of Ordinance 10-69 to determine the actuarial impact on the City of Hialeah Employees' Retirement System.

Amendment to Code Section 70-201

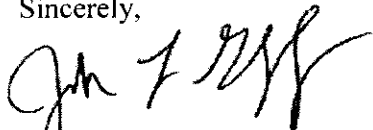
The amendment to Code Section 70-201 excludes City employees who are classified as general employees and hired on or after April 1, 2012 from participating in the Retirement System. This provision has no actuarial impact on the Retirement System.

Amendment to Code Sections 70-260 and 70-261

The amendment to Code Sections 70-260 and 70-261 excludes general employees who are members of the Retirement System from entering the DROP on or after April 2, 2012. General employees who became members of the DROP prior to April 2, 2012 are allowed to continue participation in the DROP for the maximum duration. This provision has no actuarial impact on the Retirement System.

Please let me know if you have questions or concerns about this determination.

Sincerely,



Joseph Griffin, A.S.A., E.A., M.A.A.A., F.C.A.
Director, Consulting Actuary

cc: Mr. Alan Voorhees – Board Chairman City of Hialeah Retirement System
Mr. William Grodnick – City of Hialeah
David Campbell – Buck Consultants

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